

Union Calendar No. 14

108TH CONGRESS
1ST SESSION

H. R. 258

[Report No. 108–20]

To ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. CANTOR (for himself, Mr. GOODE, Mr. SCHROCK, Mr. TOM DAVIS of Virginia, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. MORAN of Virginia, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Financial Services

FEBRUARY 26, 2003

Additional sponsors: Mr. CASTLE and Mr. HILL

FEBRUARY 26, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 8, 2003]

A BILL

To ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “American 5-Cent Coin*
 5 *Design Continuity Act of 2003”.*

6 **TITLE I—U.S. 5-CENT COIN**
 7 **DESIGN CONTINUITY**

8 **SEC. 101. DESIGNS ON THE 5-CENT COIN.**

9 *(a) IN GENERAL.—Subject to subsection (b) and after*
 10 *consulting with the Citizens Coinage Advisory Committee*
 11 *and the Commission of Fine Arts, the Secretary of the*
 12 *Treasury may change the design on the obverse and the re-*
 13 *verse of the 5-cent coin for coins issued in 2003, 2004, and*
 14 *2005 in recognition of the bicentennial of the Louisiana*
 15 *Purchase and the expedition of Meriwether Lewis and Wil-*
 16 *liam Clark.*

17 *(b) DESIGN SPECIFICATIONS.—*

18 *(1) OBVERSE.—If the Secretary of the Treasury*
 19 *elects to change the obverse of 5-cent coins issued dur-*
 20 *ing 2003, 2004, and 2005, the design shall depict a*
 21 *likeness of President Thomas Jefferson, different from*
 22 *the likeness that appeared on the obverse of the 5-cent*
 23 *coins issued during 2002, in recognition of his role*
 24 *with respect to the Louisiana Purchase and the com-*
 25 *missioning of the Lewis and Clark expedition.*

1 (2) *REVERSE*.—If the Secretary of the Treasury
 2 elects to change the reverse of the 5-cent coins issued
 3 during 2003, 2004, and 2005, the design selected shall
 4 depict images that are emblematic of the Louisiana
 5 Purchase or the expedition of Meriwether Lewis and
 6 William Clark.

7 (3) *OTHER INSCRIPTIONS*.—5-cent coins issued
 8 during 2003, 2004, and 2005 shall continue to meet
 9 all other requirements for inscriptions and designa-
 10 tions applicable to circulating coins under section
 11 5112(d)(1) of title 31, United States Code.

12 **SEC. 102. DESIGNS ON THE 5-CENT COIN SUBSEQUENT TO**
 13 **THE RECOGNITION OF THE BICENTENNIAL**
 14 **OF THE LOUISIANA PURCHASE AND THE**
 15 **LEWIS AND CLARK EXPEDITION.**

16 (a) *IN GENERAL*.—Section 5112(d)(1) of title 31,
 17 United States Code, is amended by inserting after the 4th
 18 sentence the following new sentence: “Subject to other provi-
 19 sions of this subsection, the obverse of any 5-cent coin issued
 20 after December 31, 2005, shall bear the likeness of Thomas
 21 Jefferson and the reverse of any such 5-cent coin shall bear
 22 an image of the home of Thomas Jefferson at Monticello.”.

23 (b) *DESIGN CONSULTATION*.— The 2d sentence of sec-
 24 tion 5112(d)(2) of title 31, United States Code, is amended
 25 by inserting “, after consulting with the Citizens Coinage

1 *Advisory Committee and the Commission of Fine Arts,”*
 2 *after “The Secretary may”.*

3 **SEC. 103. CITIZENS COINAGE ADVISORY COMMITTEE.**

4 *(a) IN GENERAL.—Section 5135 of title 31, United*
 5 *States Code, is amended to read as follows:*

6 **“§ 5135. Citizens Coinage Advisory Committee**

7 *“(a) ESTABLISHMENT.—*

8 *“(1) IN GENERAL.—There is hereby established*
 9 *the Citizens Coinage Advisory Committee (in this sec-*
 10 *tion referred to as the ‘Advisory Committee’) to advise*
 11 *the Secretary of the Treasury on the selection of*
 12 *themes and designs for coins.*

13 *“(2) OVERSIGHT OF ADVISORY COMMITTEE.—The*
 14 *Advisory Committee shall be subject to the authority*
 15 *of the Secretary of the Treasury (hereafter in this sec-*
 16 *tion referred to as the ‘Secretary’).*

17 *“(b) MEMBERSHIP.—*

18 *“(1) APPOINTMENT.—The Advisory Committee*
 19 *shall consist of 11 members appointed by the Sec-*
 20 *retary as follows:*

21 *“(A) 7 persons appointed by the Sec-*
 22 *retary—*

23 *“(i) 1 of whom shall be appointed from*
 24 *among individuals who are specially quali-*
 25 *fied to serve on the Advisory Committee by*

1 *virtue of their education, training, or expe-*
2 *rience as a nationally or internationally*
3 *recognized curator in the United States of a*
4 *numismatic collection;*

5 “(ii) 1 of whom shall be appointed
6 *from among individuals who are specially*
7 *qualified to serve on the Advisory Com-*
8 *mittee by virtue of their experience in the*
9 *medallic arts or sculpture;*

10 “(iii) 1 of whom shall be appointed
11 *from among individuals who are specially*
12 *qualified to serve on the Advisory Com-*
13 *mittee by virtue of their education, train-*
14 *ing, or experience in American history;*

15 “(iv) 1 of whom shall be appointed
16 *from among individuals who are specially*
17 *qualified to serve on the Advisory Com-*
18 *mittee by virtue of their education, train-*
19 *ing, or experience in numismatics; and*

20 “(v) 3 of whom shall be appointed from
21 *among individuals who can represent the*
22 *interests of the general public in the coinage*
23 *of the United States.*

24 “(B) 4 persons appointed by the Secretary
25 *on the basis of the recommendations of the fol-*

lowing officials who shall make the selection for such recommendation from among citizens who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience:

“(i) 1 person recommended by the Speaker of the House of Representatives.

“(ii) 1 person recommended by the minority leader of the House of Representatives.

“(iii) 1 person recommended by the majority leader of the Senate.

“(iv) 1 person recommended by the minority leader of the Senate.

“(2) *TERMS*.—

“(A) *IN GENERAL*.—Except as provided in subparagraph (B), members of the Advisory Committee shall be appointed for a term of 4 years.

“(B) *TERMS OF INITIAL APPOINTEES*.—As designated by the Secretary at the time of appointment, of the members first appointed—

“(i) 4 of the members appointed under paragraph (1)(A) shall be appointed for a term of 4 years;

1 “(ii) the 4 members appointed under
2 paragraph (1)(B) shall be appointed for a
3 term of 3 years; and

4 “(ii) 3 of the members appointed under
5 paragraph (1)(A) shall be appointed for a
6 term of 2 years.

7 “(3) *PRESERVATION OF PUBLIC ADVISORY STA-*
8 *TUS.—No individual may be appointed to the Advi-*
9 *sory Committee while serving as an officer or em-*
10 *ployee of the Federal Government.*

11 “(4) *CONTINUATION OF SERVICE.—Each ap-*
12 *pointed member may continue to serve for up to 6*
13 *months after the expiration of the term of office to*
14 *which such member was appointed until a successor*
15 *has been appointed.*

16 “(5) *VACANCY AND REMOVAL.—*

17 “(A) *IN GENERAL.—Any vacancy on the*
18 *Advisory Committee shall be filled in the manner*
19 *in which the original appointment was made.*

20 “(B) *REMOVAL.—Advisory Committee mem-*
21 *bers shall serve at the discretion of the Secretary*
22 *and may be removed at any time for good cause.*

23 “(6) *CHAIRPERSON.—The Chairperson of the Ad-*
24 *visory Committee shall be appointed for a term of 1*

1 *year by the Secretary from among the members of the*
2 *Advisory Committee.*

3 “(7) *PAY AND EXPENSES.*—*Members of the Advi-*
4 *sory Committee shall serve without pay for such serv-*
5 *ice but each member of the Advisory Committee shall*
6 *be reimbursed from the United States Mint Public*
7 *Enterprise Fund for travel, lodging, meals, and inci-*
8 *dental expenses incurred in connection with attend-*
9 *ance of such members at meetings of the Advisory*
10 *Committee in the same amounts and under the same*
11 *conditions as employees of the United States Mint*
12 *who engage in official travel, as determined by the*
13 *Secretary.*

14 “(8) *MEETINGS.*—

15 “(A) *IN GENERAL.*—*The Advisory Com-*
16 *mittee shall meet at the call of the Secretary, the*
17 *chairperson, or a majority of the members, but*
18 *not less frequently than twice annually.*

19 “(B) *OPEN MEETINGS.*—*Each meeting of*
20 *the Advisory Committee shall be open to the pub-*
21 *lic.*

22 “(C) *PRIOR NOTICE OF MEETINGS.*—*Timely*
23 *notice of each meeting of the Advisory Committee*
24 *shall be published in the Federal Register, and*
25 *timely notice of each meeting shall be made to*

1 *trade publications and publications of general*
2 *circulation.*

3 “(9) *QUORUM.*—7 members of the Advisory Com-
4 *mittee shall constitute a quorum.*

5 “(c) *DUTIES OF THE ADVISORY COMMITTEE.*—The du-
6 *ties of the Advisory Committee are as follows:*

7 “(1) *Advising the Secretary of the Treasury on*
8 *any theme or design proposals relating to circulating*
9 *coinage, bullion coinage, congressional gold medals*
10 *and national and other medals produced by the Sec-*
11 *retary of the Treasury in accordance with section*
12 *5111 of title 31, United States Code.*

13 “(2) *Advising the Secretary of the Treasury with*
14 *regard to—*

15 “(A) *the events, persons, or places that the*
16 *Advisory Committee recommends be commemo-*
17 *rated by the issuance of commemorative coins in*
18 *each of the 5 calendar years succeeding the year*
19 *in which a commemorative coin designation is*
20 *made;*

21 “(B) *the mintage level for any commemora-*
22 *tive coin recommended under subparagraph (A);*
23 *and*

24 “(C) *the proposed designs for commemora-*
25 *tive coins.*

1 “(d) *EXPENSES.*—*The expenses of the Advisory Com-*
 2 *mittee that the Secretary of the Treasury determines to be*
 3 *reasonable and appropriate shall be paid by the Secretary*
 4 *from the United States Mint Public Enterprise Fund.*

5 “(e) *ADMINISTRATIVE SUPPORT AND TECHNICAL*
 6 *SERVICES.*—*Upon the request of the Advisory Committee,*
 7 *or as necessary for the Advisory Committee to carry out*
 8 *the responsibilities of the Advisory Committee under this*
 9 *section, the Director of the United States Mint shall provide*
 10 *to the Advisory Committee the administrative support, tech-*
 11 *nical services, and advice that the Secretary of the Treasury*
 12 *determines to be reasonable and appropriate.*

13 “(f) *CONSULTATION AUTHORITY.*—*In carrying out the*
 14 *duties of the Advisory Committee under this section, the Ad-*
 15 *visory Committee may consult with the Commission of Fine*
 16 *Arts.*

17 “(g) *ANNUAL REPORT.*—

18 “(1) *REQUIRED.*—*Not later than September 30*
 19 *of each year, the Advisory Committee shall submit a*
 20 *report to the Secretary, the Committee on Financial*
 21 *Services of the House of Representatives and the Com-*
 22 *mittee on Banking, Housing, and Urban Affairs of*
 23 *the Senate. Should circumstances arise in which the*
 24 *Advisory Committee cannot meet the September 30*
 25 *deadline in any year, the Secretary shall advise the*

1 *Chairpersons of the Committee on Financial Services*
 2 *of the House of Representatives and the Committee on*
 3 *Banking, Housing, and Urban Affairs of the Senate*
 4 *of the reasons for such delay and the date on which*
 5 *the submission of the report is anticipated.*

6 “(2) CONTENTS.—The report required by para-
 7 *graph (1) shall describe the activities of the Advisory*
 8 *Committee during the preceding year and the reports*
 9 *and recommendations made by the Advisory Com-*
 10 *mittee to the Secretary of the Treasury.*

11 “(h) FEDERAL ADVISORY COMMITTEE ACT DOES NOT
 12 *APPLY.—Subject to the requirements of subsection (b)(8),*
 13 *the Federal Advisory Committee Act shall not apply with*
 14 *respect to the Committee.”.*

15 (b) ABOLISHMENT OF CITIZENS COMMEMORATIVE
 16 *COIN ADVISORY COMMITTEE.—Effective on the date of the*
 17 *enactment of this Act, the Citizens Commemorative Coin*
 18 *Advisory Committee (established by section 5135 of title 31,*
 19 *United States Code, as in effect before the amendment made*
 20 *by subsection (a)) is hereby abolished.*

21 (c) CONTINUITY OF MEMBERS OF CITIZENS MEMMO-
 22 *RATIVE COIN ADVISORY COMMITTEE.—Subject to para-*
 23 *graphs (1) and (2) of section 5135(b) of title 31, United*
 24 *States Code, any person who is a member of the Citizens*
 25 *Commemorative Coin Advisory Committee on the date of*

1 *the enactment of this Act, other than the member of such*
 2 *committee who is appointed from among the officers or em-*
 3 *ployees of the United States Mint, may continue to serve*
 4 *the remainder of the term to which such member was ap-*
 5 *pointed as a member of the Citizens Coinage Advisory Com-*
 6 *mittee in one of the positions as determined by the Sec-*
 7 *retary.*

8 *(d) TECHNICAL AND CONFORMING AMENDMENTS.—*

9 *(1) Section 5112(l)(4)(A)(ii) of title 31, United*
 10 *States Code, is amended by striking “Citizens Com-*
 11 *memorative Coin Advisory Committee” and inserting*
 12 *“Citizens Coinage Advisory Committee”.*

13 *(2) Section 5134(c) of title 31, United States*
 14 *Code, is amended—*

15 *(A) by striking paragraph (4); and*

16 *(B) by redesignating paragraph (5) as*
 17 *paragraph (4).*

18 ***TITLE II—TECHNICAL AND*** 19 ***CLARIFYING PROVISIONS***

20 ***SEC. 201. CLARIFICATION OF EXISTING LAW.***

21 *(a) IN GENERAL.—Section 5134(f)(1) of title 31,*
 22 *United States Code, is amended to read as follows:*

23 *“(1) PAYMENT OF SURCHARGES.—*

24 *“(A) IN GENERAL.—Notwithstanding any*
 25 *other provision of law, no amount derived from*

1 *the proceeds of any surcharge imposed on the sale*
2 *of any numismatic item shall be paid from the*
3 *fund to any designated recipient organization un-*
4 *less—*

5 *“(i) all numismatic operation and pro-*
6 *gram costs allocable to the program under*
7 *which such numismatic item is produced*
8 *and sold have been recovered; and*

9 *“(ii) the designated recipient organiza-*
10 *tion submits an audited financial statement*
11 *that demonstrates, to the satisfaction of the*
12 *Secretary, the amount of funds the organi-*
13 *zation has raised from private sources for*
14 *all projects or purposes for which the pro-*
15 *ceeds of such surcharge may be used.*

16 *“(B) MATCHING FUND REQUIREMENT.—*
17 *Notwithstanding any other provision of law, the*
18 *amount derived from the proceeds of any sur-*
19 *charge imposed on the sale of any numismatic*
20 *item that may otherwise be paid from the fund,*
21 *under any provision of law relating to such nu-*
22 *mismatic item, to any designated recipient orga-*
23 *nization shall not exceed the amount the organi-*
24 *zation has demonstrated, in accordance with sub-*
25 *paragraph (A)(ii), that the organization has*

1 *raised from private sources for all projects or*
2 *purposes for which the proceeds of such surcharge*
3 *may be used.*

4 “(C) *UNPAID AMOUNTS.—If any amount*
5 *derived from the proceeds of any surcharge im-*
6 *posed on the sale of any numismatic item that*
7 *may otherwise be paid from the fund, under any*
8 *provision of law relating to such numismatic*
9 *item, to any designated recipient organization*
10 *remains unpaid to such organization solely by*
11 *reason of the matching fund requirement con-*
12 *tained in subparagraph (B) after the end of the*
13 *2-year period beginning on the later of—*

14 *“(i) the last day any such numismatic*
15 *item is issued by the Secretary; or*

16 *“(ii) the date of the enactment of the*
17 *American 5-Cent Coin Design Continuity*
18 *Act of 2003,*

19 *such unpaid amount shall be deposited in the*
20 *Treasury as miscellaneous receipts.”.*

21 “(b) *EFFECTIVE DATE.—The amendment made by sub-*
22 *section (a) shall apply as of the date of the enactment of*
23 *Public Law 104–208.*

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A BILL

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